

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COREY KEARN,

Plaintiff,

V.

LAKWOOD POLICE
DEPARTMENT, OFFICE REIGLE,
OFFICER HALL, and OFFICER
RUSSELL.

Defendants.

NO. C10-5334 RBL/KLS

**ORDER DENYING MOTION FOR
RECONSIDERATION AND
GRANTING THIRTY DAY
EXTENSION OF DISCOVERY
DEADLINE**

Before the court is Plaintiff's motion for reconsideration of the court's Order (ECF No. 24) denying Plaintiff's motion for the appointment of counsel. ECF No. 28. Plaintiff also requests an extension of the discovery deadline. *Id.* Having carefully reviewed the motion, and balance of the record, the court finds that the motion for reconsideration should be denied and a thirty day extension of the deadline be granted.

DISCUSSION

Motions for reconsideration are disfavored and will ordinarily be denied in the “absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to the court’s attention earlier with reasonable diligence.” Local Rule CR 7(h)(1).

Pursuant to CR 7(h)(2), a motion for reconsideration shall be filed within ten judicial days following the order to which it relates. The Order denying Plaintiff's second motion for the appointment of counsel was entered on September 10, 2010. ECF No. 24. Plaintiff's motion for reconsideration was filed on April 12, 2011. ECF No. 28. Therefore, his motion for reconsideration is not timely and may be denied on that basis alone.

Plaintiff states that he is undergoing treatment for "mental health issues as well as drug," and provides the court with a release so that the court may contact the Co-Occurring Residential Program for information regarding his mental health. Plaintiff also states that he requires an extension of the discovery deadline because he is in treatment. ECF No. 28, pp. 1-2.

As previously noted by the court, Plaintiff has not demonstrated how his mental health issues prevent him from adequately pursuing his claims. Plaintiff filed his complaint *pro se* and he has demonstrated an adequate ability to articulate his claims *pro se*. Plaintiff has not demonstrated that the issues involved in this case are complex or that he has had any difficulties in expressing them. Plaintiff has also not shown a likelihood of success on the merits. *See*, ECF No. 19 (Order denying Plaintiff's first motion for counsel).

Plaintiff states that he needs an extension of the discovery deadline because he is in a treatment center. Plaintiff does not indicate what discovery efforts he has made to date or how long he will be in treatment. Thus, the court will grant a thirty day extension of the deadline.

Accordingly, it is **ORDERED**:

- (1) Plaintiff's motion for reconsideration (ECF No. 28) is **DENIED**.
- (2) The discovery deadline shall be **extended to June 3, 2011**.

1 (3) The Clerk is directed to send copies of this Order to Plaintiff and counsel for
2 Defendants.
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5 **DATED** this 19th day of April, 2011.
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8 Karen L. Strombom
9 United States Magistrate Judge
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